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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 *Plaintiff,*

13 vs.

14 ANHWAR TELLY YOUNG,

15 *Defendant.*
16

Case No. 1:21-cr-0139 DAD,
Case No. 1:21-mj-00050 SKO

UNOPPOSED MOTION TO RESTORE
COMPETENCY UNDER 18 U.S.C. § 4241(d);
ORDER

17 Mr. Young currently has a pending petition alleging he violated the terms of his
18 supervised release, which was initially filed in the District of Nevada but jurisdiction over the
19 case was transferred to this Court on May 25, 2021.

20 Mr. Young has a well documented history of mental illness. In 2009, the government in
21 the District of Nevada charged Mr. Young through an Information with violating 18 U.S.C.
22 § 844(e) by threatening to kill or cause damage by explosives directed at U.S. military personnel
23 and property. In August 2009, the parties agreed to resolve the matter through a plea of Not
24 Guilty by Reason of Insanity, and on August 31, 2009, Mr. Young entered said plea. The district
25 court however, was concerned regarding Mr. Young's competency, and committed Mr. Young to
26 the Federal Bureau of Prisons for further examination regarding competency. During the course
27 of the next several years Mr. Young was housed at several different BOP facilities as issues
28 pertaining to his competency were addressed. On July 11, 2011, the district court in Nevada

1 accepted Mr. Young's plea of Not Guilty by Reason of Insanity, and subsequently ordered that
2 Mr. Young be returned to FMC Butner for further psychiatric evaluation. On April 23, 2012, the
3 district court of Nevada found that Mr. Young continued to suffer from a mental disease or
4 defect such that he presented a harm to himself or others. The following year the court
5 conditionally released Mr. Young, but after five months Mr. Young stopped taking his
6 medication and was returned to custody. After receiving approximately five more years of
7 treatment, on June 17, 2019, the district court in Nevada again ordered Mr. Young conditionally
8 released under the supervision of the United States Probation Office for a period of five years.

9 On May 13, 2021, U.S. Probation filed the petition that is currently before this Court
10 alleging that Mr. Young violated the terms of his supervised release. On May 25, 2021, defense
11 counsel had a phone conversation with Mr. Young, who she has worked with through Wellness
12 Court and who is currently incarcerated at Fresno County Jail, and believes that Mr. Young is
13 currently suffering from a mental disease or defect rendering him mentally incompetent to the
14 extent that he is unable to understand the nature and consequences of the proceedings against
15 him or assist properly in his defense. Later that afternoon, Mr. Young had his initial appearance
16 on the pending petition in magistrate court in this district. Mr. Young appeared agitated, was
17 non-responsive to the magistrate judge's questions and got up and left the room in the middle of
18 the hearing. The magistrate judge was unable to complete the arraignment. The parties and the
19 court recognized that Mr. Young is unable to participate in the proceedings against him at this
20 time due to his mental illness, and agreed that Mr. Young should be placed in the custody of the
21 Attorney General for the purpose of attempting to restore his competency.

22 Based on the foregoing, and the extensive medical records that are part of the record in
23 this case and are hereby incorporated, there is a preponderance of evidence that Mr. Young is
24 presently suffering from a mental disease or defect rendering him mentally incompetent to the
25 extent that he is unable to understand the consequences of the proceedings against him or to
26 assist properly in his defense regarding the pending petition.

27 Pursuant to 18 U.S.C. § 4241(d)(1), defense counsel files this unopposed motion
28 requesting that the Court commit the defendant to the custody of the Attorney General, who shall

1 hospitalize him for treatment in a suitable facility for a reasonable period of time in order to
2 determine whether there is a substantial probability that in the foreseeable future he will attain
3 the capacity to permit the proceedings to go forward.

4 No later than December 13, 2021, a member of the staff of the facility to which the
5 defendant has been committed for treatment shall submit to the Court and the parties a status
6 report pursuant to § 4241(d).

7 HEATHER E. WILLIAMS

8 Federal Defender

9 DATED: May 26, 2021

By:

/s/ Peggy Sasso

PEGGY SASSO

Assistant Federal Defender

Attorney for Defendant

ANHWAR TELLY YOUNG

14 **ORDER**

15 IT IS SO ORDERED.

16 Dated: May 27, 2021

17 
UNITED STATES DISTRICT JUDGE